

U.S. Appln. No.: 10/563,859
Atty. Docket No.: P70987US0

Amendments to the Drawings

In accordance with 37 CFR § 1.121(d), attached hereto are three new drawing sheets presenting added Figures 4A, 4B, 5, and 6. As required by the examiner, the attached Figures 4A, 4B, 5, and 6 illustrate certain features of the invention recited in claim 1.

Remarks

Reconsideration and allowance of this application, as amended, are respectfully requested.

Applicant acknowledges with gratitude the personal interview conducted with the examiner on January 22, 2009. During the interview Applicant first urged that no issue of new matter is associated with the amendment of claim 1 (i.e., to read as "one or more gluing stations *configured to apply a starch glue*") in Applicant's reply of August 8, 2008, to the final Office Action. Applicant first directed the examiner to the Applicant's disclosure of "starch glue" at specification pages 2 and 3. Applicant then pointed out the distinction between the disclosed starch glue and Boger's "molten thermoplastic adhesive such as pressure-sensitive hot melt adhesive" (Boger column 2, lines 26-27). Applicant then summarized the distinctions between Applicant's claimed device that is configured to apply the starch glue and Boger's device that applies the molten thermoplastic adhesive.

The examiner acknowledged the aforementioned distinctions. Agreement was reached that the issue of new matter associated with claim 1 as presented in the Applicant's Amendment filed August 8, 2008, would be obviated.

Next, the examiner's objection to the drawings was discussed. Applicant proposed correcting the drawings to depict the claim 1 features of "folding devices that make folds at ends of tube sections," "labels provided with the bottom for gluing," and

"at least one glue deck provided for the labels." The examiner indicated that addition of the drawings would be permitted because textual support is found in the original disclosure.

Accordingly, in the present Amendment, new drawing Figures 4A, 4B, 5, and 6 have been added as required by the examiner and the written description portion of the specification has been amended to reflect the addition of the new drawings. Support for Figures 4A, 4B, 5, and 6 and the associated written description is found in the original application disclosure.

Applicant notes that the objection to the drawings based on the recitation of "glue deck" is respectfully deemed to be obviated because the terminology has been deleted from claim 1. The "glue deck" terminology was inadvertently introduced to claim 1 in the preliminary amendment. The terminology "gluing station" was intended. Therefore, claim 1 has been amended to more correctly and clearly recite that "the gluing stations includ[e] glue outlets which can be fed selectively such that a format of the applied glue is defined by selection of the glue outlets, and at least one application head to which the glue outlets are assigned."

Claims 1-20 remain pending in the application, with claims 18-20 withdrawn from consideration as being directed to a constructively non-elected invention. Claims 1 and 18 are independent. As indicated above, claim 1 has been amended to even more clearly define the structure of the gluing station feature. Claim 14 has been amended for consistency with instant claim 1.

No new matter has been introduced through the foregoing amendments, and entry of each of the amendments is respectfully requested. The objections and rejections are respectfully submitted to be obviated in view of the agreement reached during the interview, the aforementioned amendments, and the remarks presented herein.

35 U.S.C. § 102(b) – Boger

Claims 1, 4-8, and 10-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,687,137 to Boger et al. (hereinafter "Boger"). The examiner asserts, *inter alia*, that "Boger discloses . . . discharge openings 60 with a diameter of at least 5mm" and that "[t]he claimed structure limitations [have] been fully disclosed by Boger" (Office Action page 3).

The rejection of claims 1, 4-8, and 10-17 under § 102(b) based on Boger is respectfully traversed. For all of the reasons articulated in Applicant's reply to the final Office Action filed August 8, 2008, and for all of the reasons presented herein, the disclosure of Boger does not anticipate Applicant's claimed invention.

Applicant respectfully submits that the examiner's above-quoted assertions regarding the size of Boger's discharge openings and that "[t]he claimed structure limitations [have] been fully disclosed by Boger" are quite simply, incorrect. For one, Boger's

apparatus dispenses a "molten thermoplastic adhesive such as pressure-sensitive hot melt adhesive" (column 2, lines 26-27). Applicant's claim 1 defines a device having "one or more *gluing stations* configured to apply a starch glue." And, in fact, Boger contains *no disclosure whatsoever* relating to the dimensions of any aspect of his "adhesive flow passages" (see, e.g., column 6, lines 50-65). Applicant's claim 1 defines a base insert device that includes a glue chamber with "a diameter of at least 5 mm in at least one place" in order to accommodate the starch glue. Either of these features alone serves to distinguish Applicant's claimed device from that of Boger.

As explained in detail in Applicant's reply filed August 8, 2008, in a "format-specific glue application" a conventional gluing station has a roller that is supplied with glue by a glue roller or other glue storing and transfer components (instant specification page 1/7, last paragraph). Applicant discloses that "[t]his type of glue application has stood the test of time since it enables the clean and format-specific application of large quantities of starch glue, which is otherwise difficult to handle" (specification page 2/7, first paragraph). However, a problem associated with prior art "format-specific glue application" devices is that the "glue transfer makes it necessary to provide and subsequently clean a plurality of glue transfer components, for instance the format rollers and the format parts" (specification page 2/7, second full paragraph).

Therefore, an object of Applicant's invention is to "further improve the design of the base insert device in such a way that these glue transfer components can be totally omitted while still enabling a format-specific application of the glue, whereby the glue must be distributed evenly over the surface to be glued" (specification page 2/7, third full paragraph).

Applicant also discloses that the adhesive used in the present invention is "an extremely viscous glue, usually starch glue" (specification page 3/7, first full paragraph). Because the glue is so viscous, the chamber 15, which is supplied with glue by the glue supplying line 13, must have a cross-section that is "dimensioned in such a way that a circle having a diameter of 5 mm can be inscribed so as to ensure a continuous flow of glue to all the valves" (specification page 3/7, first full paragraph). Accordingly, Applicant's claim 1 defines a base insert device that includes, *inter alia*, a glue chamber with "a diameter of at least 5 mm in at least one place." The above-described glue chamber is a structural feature of Applicant's device that is not disclosed by Boger.

In short, Boger's apparatus is both structurally and functionally different from Applicant's claimed apparatus. That is because Boger describes an adhesive dispensing apparatus for disposable diapers (column 1, line 13), not a bag insert device. Applicant's claimed device has a glue application head that

provides the base folds of a so-called valve bag with starch glue in order to provide adhesion for the inserted valve patches. But Boger, in gluing layers of sheets to form the disposable diaper, applies the aforementioned less viscous hot adhesive, i.e., a "molten thermoplastic adhesive such as pressure-sensitive hot melt adhesive" (column 2, lines 26-27). Boger's apparatus, therefore, is structured to apply the hot melt adhesive, *not the more viscous starch glue for which Applicant's base insert device is configured*.

And, as pointed out above, Boger contains no disclosure whatsoever relating to the dimensions of any aspect of his "adhesive flow passages" (see, e.g., column 6, lines 50-65). Applicant's claim 1, however, defines a base insert device that includes a glue chamber with "a diameter of at least 5 mm in at least one place" in order to accommodate the more viscous starch glue.

Since Boger does not meet each feature of the claimed invention, Boger does not anticipate the invention defined by Applicant's instant claim 1. Claims 4-8 and 10-17 are allowable because they depend from claim 1, and for the subject matter recited therein.

35 U.S.C. § 103(a) - Boger

Claims 2-4 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Boger.

The rejection of claims 2-4 and 9 under § 103(a) based on Boger is respectfully traversed. For at least the following reasons, the disclosure of Boger would not have rendered obvious Applicant's claimed invention.

Claims 2-4 and 9 all depend, either directly or indirectly, from claim 1. For all of the reasons explained above in response to the rejection of claims 1, 4-8, and 10-17 under § 102(b) based on Boger, claim 1 is allowable. Claims 2-4 and 9, therefore, are also allowable.

Furthermore, Boger is directed to a technology area that is different from that of the instant invention. In fact, when comparing Applicant's claimed invention with Boger's teaching, it is clear that the apparatus itself, the product made by the apparatus, and the glue used in the apparatus, are all different from each other. Boger discloses a device that applies a *hot* melt adhesive to make a diaper. Applicant's device has a glue application head that applies a starch glue (i.e., a viscous cold glue) to make a cross bottom valve paper bag.

Because of the aforementioned differences, there is simply no teaching in Boger that would have led one to modify the reference in a way that would result in the invention defined by any of claims 2-4 and 9. Accordingly, the disclosure of Boger would not have rendered obvious Applicant's claimed invention.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that another

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interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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